

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1345

5 By: Representative Hillman
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For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR DELAYED PAYMENT FOR CERTAIN
9 METAL TRANSACTIONS; TO PROVIDE FOR EXCEPTIONS; AND
10 FOR OTHER PURPOSES.
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Subtitle

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14 TO PROVIDE FOR DELAYED PAYMENT FOR
15 CERTAIN METAL TRANSACTIONS; AND TO
16 PROVIDE FOR EXCEPTIONS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 17, Chapter 44, is amended to add an
22 additional section to read as follows:

23 17-44-109. Delayed payment for certain sales of metal.

24 (a)(1) Payment for scrap metal shall not be made until three (3) days
25 after the seller of the scrap metal relinquishes physical control of the
26 scrap metal to the scrap metal recycler.

27 (2) Payment shall be:

28 (A) Made by cash, check, or money order; and

29 (B)(i) Mailed to the business address of the company or
30 the home address of the person by whom the metal is being sold.

31 (ii) The name of the company or person must be the
32 payee on the check.

33 (b) The following entities or persons are exempt from the delayed
34 payment provisions of this subchapter and may be paid by a scrap metal
35 recycler when the entity or person relinquishes physical control of the scrap
36 metal:



1 (1) A law enforcement officer acting in an official capacity
 2 purchasing or selling metal property;

3 (2) A trustee in bankruptcy, executor, administrator, or
 4 receiver who purchases or sells metal property when acting in such a
 5 capacity;

6 (3) A public official acting under a court order to deal in
 7 metal property;

8 (4) A licensed individual or entity that comes into possession
 9 of scrap metal in the ordinary course of business, including without
 10 limitation a:

11 (A) General contractor;

12 (B) Plumber;

13 (C) Electrician;

14 (D) Auto body shop operator; or

15 (E) HVAC technician;

16 (5)(A) A manufacturing, industrial, or other commercial vendor
 17 that generates or sells regulated metal property in the ordinary course of
 18 its business.

19 (B) As used in this subsection, "commercial vendor" does
 20 not mean:

21 (i) An individual or business that acquires,
 22 generates, or produces scrap metal and then sells that scrap metal as a
 23 primary business operation; or

24 (ii) A scrap metal recycler; or

25 (6) A person who receives twenty-five dollars (\$25.00) or less
 26 per day from scrap metal transactions.

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